



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1998

Mr. Forrest K. Phifer  
Law Office of Forrest K. Phifer  
509 N. Main Street  
Rusk, Texas 75785

OR98-2668

Dear Mr. Phifer:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119398.

The Rusk Police Department (the "department"), which you represent, received a request for a copy of an offense report. You seek to withhold most of the offense report information under section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You assert that there is an ongoing investigation concerning the incident that is the basis of the offense report. Based upon this representation, we agree that you have shown that release of all except the front page offense report information would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

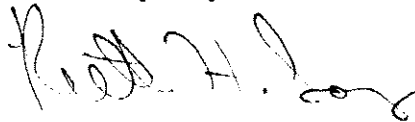
Section 552.108(c) does not except from disclosure the basic information about an arrested person, an arrest, or a crime. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You submitted to this office the front page information that was provided to the requestor.

The front page information which must be released includes identification of the complainant, and this information has been released as part of the front page. Open Records

Decision No. 127 (1976). The identity of a suspect is not generally considered to be front page information in an offense report, although the identity of a person who is arrested in connection with an incident is usually considered to be public information. *Id.* As there has been no arrest, the identity of the suspect is not information that is required to be released from the offense report. *Id.* We agree that the front page information disclosed to the requestor is sufficient and that the remaining information may be withheld from disclosure under section 552.108. Because we resolve your questions under section 552.108(a)(1), we need not address your other arguments that the identity of the victim and suspect are confidential.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 119398

Enclosures: Submitted documents

cc: Ms. Vanessa E. Curry  
Associate Editor  
Jacksonville Daily Progress  
P.O. Box 711  
Jacksonville, Texas 75766  
(w/o enclosures)